

### REMARKS

Claims 2, 4-17, 19-29 and 31-38 were previously pending in the application. By the Amendment, Claims 4 and 19 are currently amended, Claim 31 is canceled without prejudice, new Claim 39 has been added, and Claims 2, 5-17, 20-29 and 32-38 remain unchanged.

The claims stand rejected under the cited prior art of record. Specifically, Claims 2, 4-6, 9-17, 19-21 and 23-29 were rejected under 35 USC §102(b) as being anticipated by Lemelson (US 3,788,500). Claims 32-36 were rejected under 35 USC §102(b) as being anticipated by Cornacchia (US 5,108,255). Claims 7-8 and 22 were rejected under 35 USC §103(a) as being unpatentable over Lemelson. Claims 37-38 were rejected under 35 USC §103(a) as being unpatentable over Cornacchia in view of Lemelson.

Independent Claim 4 has been amended to more clearly recite the claimed invention and now recites an apparatus for at least one of loading and unloading goods units to and from a transport compartment, comprising: at least one conveying unit being at least partly inserted into the transport compartment and simultaneously conveying a plurality of goods units therein; the goods units have a base; said conveying unit has at least one gripping unit and at least one lifting unit; at least one of said gripping unit and said lifting unit lifts the goods units off of the base; and wherein said gripping unit includes two legs being movable with respect to one another, the goods units being clamped between the two legs when the gripping unit engages the goods units.

Lemelson discloses a vehicle loading system having an overhead track system (15) and a stacker crane (16) drivable along the track (15). Lemelson does not disclose, among other things, a gripping unit including “two legs being movable with respect to one another, the goods units being clamped between the two legs when the gripping unit engages the goods units,” as recited in Claim 4. Rather, Lemelson discloses the stacker cranes having a traditional forklift style lifting mechanism. The stacker cranes have two forks fixed with respect to one another and picking up the goods units that pick up a pallet and the goods units are placed on the pallet. The stacker crane may then transport the goods units on the pallet. Therefore, Lemelson does not disclose all the elements of the claimed invention.

For these and other reasons, Lemelson does not disclose the subject matter defined by independent Claim 4. Therefore, Claim 4 is allowable. Claims 2 and 5-17 depend from Claim 4 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 19 has been amended to more clearly recite the claimed invention and now recites an apparatus for at least one of loading and unloading goods units to and from a transport compartment in a loading and unloading direction, the goods units having a base, the apparatus comprising: at least one conveying unit: being at least partly inserted into the transport compartment and simultaneously conveying a plurality of goods units therein; having: at least two gripping units disposed one after another in the loading and unloading direction for insertion into the transport compartment, each gripping unit including two legs being movable with respect to one another, the goods units being clamped between the two legs when the gripping unit engages the goods units; at least two lifting units for lifting the goods units off of their base; and at least one guide and support unit operatively connected to said gripping unit.

Claim 19 also recites the limitation of a “gripping unit including two legs being movable with respect to one another, the goods units being clamped between the two legs when the gripping unit engages the goods units,” as described above in relation to Claim 4. Therefore, the arguments above in relation to Claim 4 also apply to claim 19. Lemelson does not disclose, among other things, a gripping unit including “two legs being movable with respect to one another, the goods units being clamped between the two legs when the gripping unit engages the goods units,” as recited in Claim 19. Therefore, Lemelson does not disclose all the elements of the claimed invention.

For these and other reasons, Lemelson does not disclose the subject matter defined by independent Claim 19. Therefore, Claim 19 is allowable. Claims 20-29 depend from Claim 19 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 31 was rewritten as new independent Claim 39 to more clearly recite the claimed invention. Independent Claim 39 recites method of moving goods units having a base between a loading region and a transport compartment, the method comprising the acts of: providing a conveying unit including a support beam, at least one

gripping unit having two legs being movable with respect to one another to engage the goods units, and at least one lifting unit connecting the gripping unit to the support beam; positioning the gripping unit adjacent the goods units in at least one of the loading region and the transport compartment; engaging the goods units with the gripping unit by moving the legs toward one another to clamp the goods units and apply opposing forces on opposite sides of the goods units; lifting the goods units off of the base with the lifting unit; transporting the gripping unit and the goods unit to the other of the loading region and the transport compartment; lowering the goods units back on the base with the lifting unit; and disengaging the goods units from the gripping unit by moving the legs away from one another to unclamp the goods units.

The prior art, particularly Lemelson, does not disclose a method of moving goods units having a base between a loading region and a transport compartment, as recited in Claim 39.

More specifically, the prior art does not disclose, among other things, providing a conveying unit including a support beam, at least one gripping unit having two legs being movable with respect to one another to engage the goods units, and at least one lifting unit connecting the gripping unit to the support beam. Also, the prior art does not disclose, among other things, engaging the goods units with the gripping unit by moving the legs toward one another to clamp the goods units and apply opposing forces on opposite sides of the goods units. In addition, the prior art does not disclose, among other things, disengaging the goods units from the gripping unit by moving the legs away from one another to unclamp the goods units. Therefore, Applicants respectfully request allowance of independent Claim 39.

Independent Claim 39 recites an apparatus for at least one of loading and unloading goods units to and from a transport compartment, the apparatus comprising: a support beam extending in a substantially horizontal direction; a crossbeam extending in a direction substantially transverse to the support beam and having a first end and a second end disposed opposite the first end; a first leg connected to the first end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam; a second leg connected to the second end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam, the first and second

legs being movable toward one another to clamp the goods units and away from one another to release the goods units; and a hydraulic cylinder connecting the crossbeam to the support beam, the cylinder being movable between a retracted condition, in which the crossbeam is moved toward the support beam to lift the goods units, and an extended condition, in which the crossbeam is moved away from the support beam to lower the goods units.

Cornacchia discloses a palletizer having a support beam (18) and a carriage (70) that travels along the beam (18). A container pick-up frame (53) is mounted for pivotal movement and head fingers (55) are connected to a slidable part (57).

Cornacchia does not disclose, among other things, "a second leg connected to the second end of the cross beam and extending downwardly in a substantially vertical direction from the crossbeam, the first and second legs being movable toward one another to clamp the goods units and away from one another to release the goods units," as recited in Claim 32. Rather, Cornacchia disclose a traditional forlift style lifting mechanism having two forks, or head fingers (55), extending in a horizontal direction and being fixed with respect to one another. The head fingers (55) extend underneath the carton between the carton and the floor to support and lift the carton. The palletizer then moves the carton to the desired location and retracts the head fingers (55) to drop the carton in the desired location. The head finger (55) may be movable with respect to the finger plate attachment (56), but they are not movable with respect to one another. Therefore, Cornacchia does not disclose all the elements of the claimed invention.

For these and other reasons, Cornacchia does not disclose the subject matter defined by independent Claim 32. Therefore, Claim 32 is allowable. Claims 33-38 depend from Claim 19 and are allowable for the same reasons and also because they recite additional patentable subject matter.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 2, 4-17, 19-29 and 32-39 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. Please note that Applicants have changed representation and are now represented by new counsel. The formal Revocation of Power of Attorney / New Power of Attorney and Change of Correspondence Address documents will be forthcoming.

Craig J. Loest

Name of Attorney Signing under 37 CFR 1.34

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

Craig J. Loest

Registration No. 48,557

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BSH Home Appliances Corp.  
100 Bosch Blvd  
New Bern, NC 28562  
Phone: 252-672-7930  
Fax: 252-672-4523  
craig.loest@bshg.com